

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Jan BIESCHKE et al.

Serial No. 10/089,233

Filed March 28, 2002

For QUANTITATIVE ANALYSIS AND TYPING OF SUBCELLULAR PARTICLES

CONSENT OF ASSIGNEE UNDER 37 CFR 1.497(d)(3)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

By its duly authorized, undersigned representatives, Evotec OAI AG, a corporation of Germany, assignee of the instant application pursuant to an Assignment from inventor Manfred Eigen recorded on March 20, 2003, in the PTO at Reel/Frame 013864/0456, consents in accordance with 37 CFR 1.497(d)(3) to the filing of the inventorship declaration, concurrently herewith, under 35 USC 371(c)(4) and 37 CFR 1.497, which inventorship declaration names an inventive entity different from the inventive entity set forth in international application PCT/EP00/09648, filed September 28, 2000.

Evotec OAI AG

November 19, 2003
Date

By: ppa. M. Leimkühler

(Name) Dr. M. Leimkühler

(Title) Head of I.P.

11/19/2003
Date

By: ppa. C. V. Spiegel

(Name) Christian V. Spiegel

(Title) Head of Legal

As a below named inventor, I declare that my residence, post office address and citizenship are stated below next to my name, the information given herein is true, that I believe that I am the original, first and sole inventor (if only one name is listed at 201 below), or an original, first and joint inventor (if plural inventors are named below at 201-203, or on additional sheets attached hereto) of the subject matter which is claimed and for which patent is sought on the invention entitled:

QUANTITATIVE ANALYSIS AND TYPING OF SUBCELLULAR PARTICLES

which is described and claimed in:

☒ PCT International Application No. PCT/EP00/09468

filed SEPTEMBER 28, 2000

☐ the attached specification

☒ the specification in application Serial No. 10/089,233

filed MARCH 28, 2002

(if applicable) and amended on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

199 46 546.0

GERMANY

28 SEPTEMBER 1999

(Number)

(Country)

(Day/Month/Year Filed)

☒

☐

Yes

No

100 14 234.6

GERMANY

22 MARCH 2000

(Number)

(Country)

(Day/Month/Year Filed)

☒

☐

Yes

No

(Number)

(Country)

(Day/Month/Year Filed)

☐

☐

Yes

No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Application No. _____

Filing Date _____

Application No. _____

Filing Date _____

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(Application Serial No.)

(Filing Date)

(Status: patented, pending, abandoned)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys (Registration No.) to prosecute this application, receive and act on instructions from my agent, and transact all business in the Patent and Trademark Office connected therewith. HARVEY B. JACOBSON, JR. (20,851); JOHN CLARKE HOLMAN (22,769); MARVIN R. STERN (20,640); ALLEN S. MELSER (27,215); MICHAEL R. SLOBASKY (26,421); JONATHAN L. SCHERER (29,851); IRWIN M. AISENBERG (19,007); WILLIAM E. PLAYER (31,409); YOON S. HAM (45,307) and NATHANIEL A. HUMPHRIES (22,772)

SEND CORRESPONDENCE TO: CUSTOMER NO. 00136

or

JACOBSON HOLMAN
PROFESSIONAL LIMITED LIABILITY COMPANY
400 SEVENTH STREET, N.W.
WASHINGTON, D.C. 20004

DIRECT TELEPHONE CALLS TO:

(please use Attorney's Docket No.) (202) 638-6666

JACOBSON HOLMAN
PROFESSIONAL LIMITED LIABILITY COMPANY

*Inventor(s) name must include at least one unabbreviated first or middle name.

	FULL NAME * OF INVENTOR	FAMILY NAME	GIVEN NAME	MIDDLE NAME
201	RESIDENCE & CITIZENSHIP	CITY <u>San Diego</u>	STATE OR FOREIGN COUNTRY <u>CA</u> <u>USA</u>	COUNTRY OF CITIZENSHIP <u>GERMANY</u>
	POST OFFICE ADDRESS	POST OFFICE ADDRESS <u>7505 Charmant Drive #1610</u>	CITY <u>San Diego</u>	STATE OR COUNTRY <u>USA</u> ZIP CODE <u>CA 92122</u>
	FULL NAME * OF INVENTOR	FAMILY NAME <u>GIESE</u>	GIVEN NAME <u>ARMIN</u>	MIDDLE NAME
202	RESIDENCE & CITIZENSHIP	CITY <u>MUNICH</u>	STATE OR FOREIGN COUNTRY <u>GERMANY</u>	COUNTRY OF CITIZENSHIP <u>GERMANY</u>
	POST OFFICE ADDRESS	POST OFFICE ADDRESS <u>HERMANN-HAHN-PLATZ 7</u>	CITY <u>MUNICH</u>	STATE OR COUNTRY <u>GERMANY</u> ZIP CODE <u>81477</u>
	FULL NAME * OF INVENTOR	FAMILY NAME <u>EIGEN</u>	GIVEN NAME <u>MANFRED</u>	MIDDLE NAME
203	RESIDENCE & CITIZENSHIP	CITY <u>GOETTINGEN</u>	STATE OR FOREIGN COUNTRY <u>GERMANY</u>	COUNTRY OF CITIZENSHIP <u>GERMANY</u>
	POST OFFICE ADDRESS	POST OFFICE ADDRESS <u>c/o Max-Planck-Institut for Biophysical Chemistry Am Faßberg</u>	CITY <u>GOETTINGEN</u>	STATE OR COUNTRY <u>GERMANY</u> ZIP CODE <u>37077</u>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201*	SIGNATURE OF INVENTOR 202*	SIGNATURE OF INVENTOR 203*
<u>Jam Steddie</u>		
DATE <u>05.11.03</u>	DATE	DATE

* Inventor(s) name must include at least one unabbreviated first or middle name.

204	FULL NAME * OF INVENTOR	FAMILY NAME KRETZSCHMAR	GIVEN NAME HANS	MIDDLE NAME A.
	RESIDENCE & CITIZENSHIP	CITY WOLFRATSHAUSEN	STATE OR FOREIGN COUNTRY GERMANY	COUNTRY OF CITIZENSHIP GERMANY
	POST OFFICE ADDRESS	POST OFFICE ADDRESS NELKENWEG 5a	CITY WOLFRATSHAUSEN	STATE OR COUNTRY GERMANY
205	FULL NAME * OF INVENTOR	FAMILY NAME	GIVEN NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY
206	FULL NAME * OF INVENTOR	FAMILY NAME	GIVEN NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY
207	FULL NAME * OF INVENTOR	FAMILY NAME	GIVEN NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY
208	FULL NAME * OF INVENTOR	FAMILY NAME	GIVEN NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY
209	FULL NAME * OF INVENTOR	FAMILY NAME	GIVEN NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY
210	FULL NAME * OF INVENTOR	FAMILY NAME	GIVEN NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY
211	FULL NAME * OF INVENTOR	FAMILY NAME	GIVEN NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY

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DATE	DATE	DATE
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DATE	DATE	DATE
SIGNATURE OF INVENTOR 210 *	SIGNATURE OF INVENTOR 211 *	
DATE	DATE	

☐ Additional inventors are named on separately numbered sheets attached hereto.

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JCH-5/03-100A

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QUANTITATIVE ANALYSIS AND TYPING OF SUBCELLULAR PARTICLES

which is described and claimed in: ☒ PCT International Application No. PCT/EP00/09458 filed SEPTEMBER 28, 2000
☐ the attached specification ☒ the specification in application Serial No. 10/089,233 filed MARCH 28, 2002
(if applicable) and amended on

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199 46 546.0 (Number)	GERMANY (Country)	28 SEPTEMBER 1999 (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
100 14 234.6 (Number)	GERMANY (Country)	22 MARCH 2000 (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
 (Number)	 (Country)	 (Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No

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JACOBSON HOLMAN
PROFESSIONAL LIMITED LIABILITY COMPANY

*Inventor(s) name must include at least one unabbreviated first or middle name.

201	FULL NAME * OF INVENTOR	FAMILY NAME BIESCHKE	GIVEN NAME JAN	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY San Diego	STATE OR FOREIGN COUNTRY USA	COUNTRY OF CITIZENSHIP GERMANY
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 7505 Charmant Drive #1610	CITY San Diego	STATE OR COUNTRY USA ZIP CODE CA 92122
202	FULL NAME * OF INVENTOR	FAMILY NAME GIESE	GIVEN NAME ARMIN	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY MUNICH	STATE OR FOREIGN COUNTRY GERMANY	COUNTRY OF CITIZENSHIP GERMANY
	POST OFFICE ADDRESS	POST OFFICE ADDRESS HERMANN-HAHN-PLATZ 7	CITY MUNICH	STATE OR COUNTRY GERMANY ZIP CODE 81477
203	FULL NAME * OF INVENTOR	FAMILY NAME EIGEN	GIVEN NAME MANFRED	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY GOETTINGEN	STATE OR FOREIGN COUNTRY GERMANY	COUNTRY OF CITIZENSHIP GERMANY
	POST OFFICE ADDRESS	POST OFFICE ADDRESS Max-Planck-Institut for Biophysical Chemistry Am Faßberg	CITY GOETTINGEN	STATE OR COUNTRY GERMANY ZIP CODE 37077

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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DATE	DATE 04 November 2003	DATE

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	RESIDENCE & CITIZENSHIP	CITY WOLFRATSHAUSEN	STATE OR FOREIGN COUNTRY GERMANY	COUNTRY OF CITIZENSHIP GERMANY	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS NELKENWEG 5a	CITY WOLFRATSHAUSEN	STATE OR COUNTRY GERMANY	ZIP CODE 82515
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	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE
202	FULL NAME * OF INVENTOR	FAMILY NAME	GIVEN NAME		MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY		COUNTRY OF CITIZENSHIP
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SIGNATURE OF INVENTOR 201*	SIGNATURE OF INVENTOR 202*	SIGNATURE OF INVENTOR 203*
DATE	DATE	DATE

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204	FULL NAME * OF INVENTOR	FAMILY NAME KRETZSCHMAR	GIVEN NAME HANS	MIDDLE NAME A.
	RESIDENCE & CITIZENSHIP	CITY WOLFRATSHAUSEN	STATE OR FOREIGN COUNTRY GERMANY	COUNTRY OF CITIZENSHIP GERMANY
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QUANTITATIVE ANALYSIS AND TYPING OF SUBCELLULAR PARTICLES

which is described and claimed in: ☒ PCT International Application No. PCT/EP00/09468 filed SEPTEMBER 28, 2000
☐ the attached specification ☒ the specification in application Serial No. 10/089,233 filed MARCH 28, 2002
(if applicable) and amended on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.
I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.
I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>199 46 546.0</u> (Number)	<u>GERMANY</u> (Country)	<u>28 SEPTEMBER 1999</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<u>100 14 234.6</u> (Number)	<u>GERMANY</u> (Country)	<u>22 MARCH 2000</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date	Application No.	Filing Date
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)
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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys (Registration No.) to prosecute this application, receive and act on instructions from my agent, and transact all business in the Patent and Trademark Office connected therewith. HARVEY B. JACOBSON, JR. (20,851); JOHN CLARKE HOLMAN (22,769); MARVIN R. STERN (20,640); ALLEN S. MELSER (27,215); MICHAEL R. SLOBASKY (26,421); JONATHAN L. SCHERER (29,851); IRWIN M. AISENBERG (19,007); WILLIAM E. PLAYER (31,409); YOON S. HAM (45,307) and NATHANIEL A. HUMPHRIES (22,772)

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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201*	SIGNATURE OF INVENTOR 202*	SIGNATURE OF INVENTOR 203*
DATE	DATE	DATE

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	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY
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	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 204 *	SIGNATURE OF INVENTOR 205 *	SIGNATURE OF INVENTOR 206 *
<i>Hans Kretzschmar</i>		
DATE <i>3 November 2003</i>	DATE	DATE
SIGNATURE OF INVENTOR 207 *	SIGNATURE OF INVENTOR 208 *	SIGNATURE OF INVENTOR 209 *
DATE	DATE	DATE
SIGNATURE OF INVENTOR 210 *	SIGNATURE OF INVENTOR 211 *	
DATE	DATE	

☐ Additional inventors are named on separately numbered sheets attached hereto.

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